

Prob 12C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION**

Offender Name: Nicholas Rianto

Docket Number: 1:01CR05063-01 AWI

Offender Address: Fresno, CA

Judicial Officer: Honorable Anthony W. Ishii
United States District Judge
Fresno, California

Original Sentence Date: September 9, 2002

Original Offense: 18 USC 1028(a)(7) - Unauthorized Use of Identification
of Another Person (CLASS C FELONY) 2 counts,
18 USC 1341 - Mail Fraud (CLASS D FELONY) 2 counts

Original Sentence: Twelve months and one day custody; 3 years
supervised release

Special Conditions: 1) Search; 2) Not dissipate or otherwise dissipate until
fine/restitution is paid in full; 3) Access to Requested
financial information; 4) No new credit charges

Type of Supervision: Supervised Release

Supervision Commenced: June 9, 2003

Assistant U.S. Attorney: Jonathan B. Conklin **Telephone:** (559) 498-7272

Defense Attorney: Jack Rewill (Retained) **Telephone:** (559) 444-0942

Other Court Action:

8/26/04: Probation Form 12C, Petition for Warrant filed with the
Court, charging; New law violation; Failure to provide a
truthful written report to the probation officer; Dissipate
assets without the permission of the probation officer or

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the Court; Incurring new lines of credit without the approval of the probation officer; Failure to provide the probation officer access to any requested financial information.

2/22/05:

Supervised release was revoked after the offender admitted to violations of supervision (New law violation; Dissipating assets without permission; Incurring new lines of credit without permission). The offender was ordered to serve eight months custody and 12 months supervised release. All previous special conditions of supervision remain in effect. Additional special condition: To reside in a residential community corrections center for a period of 4 months.

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PETITIONING THE COURT

(X) TO ISSUE A WARRANT
() TO ISSUE A SUMMONS
() OTHER:

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number Nature of Violation

Charge 1: FAILURE TO RESIDE IN A RESIDENTIAL COMMUNITY
CORRECTIONS PROGRAM FOR A PERIOD OF 4 MONTHS

On June 7 ,2005, the offender was instructed by the United States Probation Officer to report to Turning Point Fresno Comprehensive Sanction Center, on June 8, 2005, to begin his 4 months residency by 12:00 p.m. At approximately 4:00 p.m. on June 8, 2005, the offender was reported by Turning Point staff to have absconded from the facility; in violation of special conditions number 5, to wit; the defendant shall reside and participate in a residential community corrections center, Turning Point Comprehensive Sanction Center, for a period of 4 months.

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Justification: On May 4, 2005, the offender was released from custody to begin serving eight months custody. On June 7, 2005, the offender was instructed by the United States Probation Officer to report to Turning Point Fresno Comprehensive Sanction Center on June 8, 2005, by 12:00 p.m. On June 8, 2005 at approximately 4:00 p.m., Turning Point staff contact the probation officer and advised that the offender had absconded from the facility. On June 8, 2005, at approximately 4:45 p.m. the probation officer left a voice message for the offender at his residence, instructing immediate contact. On June 13, 2005, a visit to the offender's residence was conducted. As no one was home, and a business card was left with instructions for the offender to contact the probation officer on June 14, 2005 at 10:00 a.m. A visual search of the apartment's parking lot for the offender's car was also conducted with negative results. No contact has been made by the offender since June 7, 2005 and his present whereabouts are unknown.

Bail/Detention: Based on the above, it is recommended the Court issue a no-bail warrant as the offender poses a danger to the community.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: June 14, 2005
Fresno, California
PYM

Respectfully submitted,

/s/ Philip Mizutani

Philip Mizutani
United States Probation Officer
Telephone: (559) 498-7321

REVIEWED BY: /s/ Bruce Vasquez
Bruce Vasquez
Supervising United States Probation Officer

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THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☒ The issuance of a warrant ☐ Bail set at \$ ____ ☒ No Bail
- ☐ The issuance of a summons (copy to Defense Counsel).
- ☐ Other:

FURTHER PROCEEDINGS REGARDING CUSTODY:

- ☐ Defendant is ordered detained, to be brought before District Judge forthwith.
- ☒ Initial appearance and detention hearing before Magistrate Judge.

IT IS SO ORDERED.

Dated: June 15, 2005
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE